

DETAILED ACTION

Allowable Subject Matter

Claims 2, 4, 6-13, 19, 24, 25, 29-33 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art does not teach a method of using an elongate body associated with a diffuser element defining a diffusion space, wherein a drug moves through the elongate body lumen, out the elongate body outlet, and into the diffusion space, and wherein water passes into the diffusion space and dilutes the drug concentration and the diluted drug diffuses out of the diffuser element. The Wolinsky et al. device uses a syringe or inflation device and thus does not teach or suggest allowing passive diffusion of drug.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANN Y. LAM whose telephone number is (571)272-0822. The examiner can normally be reached on Mon.-Fri. 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ann Y. Lam/
Primary Examiner, Art Unit 1641